

An Bord Pleanála



BUILDING CONTROL ACTS, 1990 TO 2014

Dublin City

Building Control Authority Register Reference Number: FA/15/1150/7D

An Bord Pleanála Reference Number: 29B.FS.0526

APPEAL by Hibernia REIT Plc care of Maurice Johnson and Partners of The Anchorage, Charlotte Quay, Dublin in relation to the decision made on the 1st day of March, 2016 by Dublin City Council to grant subject to conditions a fire safety certificate under section 6 (2)(a)(ii) of the Building Control Act, 1990, as amended by section 5(a) of the Building Control Act 2007 in respect of the construction of new building for mixed use development consisting of a four to six-storey office building including setback penthouse levels with roof terraces at third and fourth floor levels, ground floor foyer and associated rooftop plant, a four to five-storey residential building with retail space at ground floor level and residential development on the upper floors, all above a 58 space single storey basement car park, all at 1-4 Windmill Lane, 1-3 Hanover Street East and numbers 19-20 Creighton Street, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to conditions numbers 10 and 19 attached to the decision of the said Council:

AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the said conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act 1990 and by Article 40 (2) of the Building Control Regulations, 1997, and based on the reasons and considerations set out below, hereby directs the said authority to delete the said conditions numbers 10 and 19 and the reasons therefor:

REASONS AND CONSIDERATIONS

Having regard to the form and layout of the proposed development, to the submissions made in connection with the submitted Fire Safety Certificate application and the appeal and to the report and recommendation of the reporting Inspector, it is considered that conditions numbers 10 and 19 are not necessary to achieve an adequate level of fire safety that would ensure compliance with Part B1 (Means of Escape in the Case of Fire) of the Second Schedule of the Building Regulations 1997 to 2014.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Building Control Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.